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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,266	06/13/2001	Maria Selene Lugo Saucedo	32944-00043USPT	5378
27045	7590	10/05/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			PEACHES, RANDY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/880,266	Applicant(s) MARIA SELENE LUGO SAUCEDO	
	Examiner Randy Peaches	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 and 9-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over ***claims 1 and 24*** of Valentine et al. (U.S. Patent No. 6,356,751) (hereinafter '751) in view of Choi et al (U.S. Patent Number 6,594,492 B2) (hereinafter '492). Although the conflicting claims are not identical, they are not patentably distinct from each other because both the instant

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application and '751 in view of '492 claims the same subject matter. The common subject matter is method of managing an emergency call between a subscriber, wherein an emergency situation is realized during an ongoing call. The parties involved, contacts an emergency service center wherein the three parties are then engaged in a three-way conversation.

Regarding **claims 1, 9 and 13** and dependents on **claims 2-7, 10-12, and 14** the claims have similar and/or exact limitations as the **claims 1 and 24**. See '751.

However, '751 fail to clearly specify sending and receiving the said geographic position to an anchor entity, and setting up an emergency between the entities.

'492 teaches in columns 6 and 7 lines 58-67 lines 6-12 of:

- sending the current location to the anchor exchange (504);
- setting up the emergency call, see column 4 lines 30-34, between the said anchor exchange and the said Emergency Call Center (50), which reads on claimed "Emergency Service Entity". See FIGURE 5. Wherein the current geo-position information is included in the information request message, which reads on claimed "call setup message." See '492 column 5 lines 58-67.

Hence, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings '751 to include '492 in order to provide the said party's geographic coordinate/location in reference to the said party's current location when the information is requested from a calling party.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1, 9 and 13*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilder (U.S. Patent Number 6,292,542 B1) in view of Garin et al. (U.S. Patent Number 6,671,620 B1).

Regarding ***claims 1, 9 and 13***, Bilder discloses a method for accessing emergency services within a network while an ongoing call is being taken place initially, wherein the network includes a LEC (2-1,2-2) and an IXC (3), which reads on claimed "serving entity and an anchor entity," and an Emergency Service Entity, the method comprises the steps of (see column 11 lines 24-26):

- handing off the on-going call from the said LEC (2-1,2-2)
- responsive to an emergency condition, the subscriber invoking the said ESC via a 3-way calling while maintaining the on-going call. See column 5 lines 3-18;
- receiving a request for the ESC at the said LEC (2-2,2-1). See column 5 lines 25-30;
- sending the current geographic position to the said LEC or IXC. See column 4 lines 39-52;

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- setting up the ESC between the said LEC/IXC and the ESE, wherein the said geographic position is included in the routing information. See column 4 lines 31-35 and lines 62-67.

However, Bilder fails to disclose wherein a Position Determining Entity is used to determine the position of the said subscriber.

Garin et al. teaches in column 3 lines 35-65 wherein receiving a request for a current position of the subscriber at the PDE and determining the position of the said subscriber.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings Bilder (U.S. Patent Number 6,292,542 B1) in view of Garin et al. (U.S. Patent Number 6,671,620 B1) in order to establish a third party emergency call in parallel with a on-going conversation with a first and second party call. In addition, develop a method to where the elements of the said network are able to locate a second party in through the continued communication link of the on-going said first and second party's conversation.

Response to Arguments

Applicant's arguments filed 6/24/2005 have been fully considered but they are not persuasive.

Regarding claim 1-7 and 9-14, the Examiner respectfully maintains the prior rejection of claims based on the non-compliance of MPEP 37 CFR 1.321 regarding a double patent rejection.

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Additionally, the Applicant asserts in the amended language, according to claims 1 and 9, that the method of managing an ESC is contained within a mobile network. According to Examiner previously cited prior art, Bilder discloses in column 5 lines 58-65 wherein the cited claimed invention can also be implemented in a wireless environment.

Therefore, based on the aforementioned comments and the above office action, claims 1-7 and 9-14 stand rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
October 2, 2005

Marsha D. Banks-Harold
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